

ACC

10000/142/795

95

BARLETTA SPY CASE (REGION 2)
MAY 1944 - AUG. 1945

2191

Acc. / 412976

✓
BARLETTA SPY CASE (REGION 2)

DATE TO FOLLOW

THIS FOLDER

2192

Declassified E.O. 12356 Section 3.3/NND No.

785016

THIS FOLDER

CONTAINS PAPERS

FROM

May - 1944

TO

Aug - 1945

CATALOGUE 10000/142/795

DATE TO FOLDER

2193

Declassified E.O. 12356 Section 3.3/NND No.

785016

No trial held
Base to Publicer Dir
off receipt.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ACW/rjp

NA

AC/4129/7/L

2 August 45

SUBJECT : Case of DE FEO Ottavio and others

TO : Public Safety Division, Security Branch

1. The enclosed file received from Liaison Officer Bari is transmitted to you for such action as you may deem advisable.

2. The persons concerned and whose release is now requested were not brought to trial but merely interned no doubt for Security reasons in a Concentration Camp.

By command of Rear Admiral STONE

A.C.W.

A.C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Adviser

Encl. 2 letters
1 Record

✓ 4/29/77
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Legal
27 JUL 1944
D/OA

Ref/264/92/OA.

26 July 1944.

SUBJECT: Parletta Spy Case.

TO : R.C. Region II.

With reference to your 2201/74/A of 14 July 1944,
it is considered that the accused should be sent to Padua
for the duration of the war. Legal Sub-Commission are in
favour of this course being adopted.

Seen by
R.H.W.
L
Thompson 10/11
NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

✓ Copy to: Admin Section (For Legal Sub-Commission)

JH/pa

9A

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

Tel. Ext. 563

REFERENCE : AGC/4129/7/L.

20 Jul 44.

SUBJECT : Barletta Spy Case.

TO : H.O. & M.C. Section. *ga*

1. Reference letter 2201/74/D of 14 July 44 from RC Region II to you.
2. This Sub-Commission is in favour of the course proposed by RC Region II in para 2 of his letter.
3. Will you please send us a copy of your reply?

*Morgan Reakes
states he is going
to get P.S. comments
in para 2 of Reg II's letter
25/7/44*

RICHARD H. WILMER,
Colonel, C.A.C.,
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

14 July 1944

3045

U-5828

SA

REF: 2201/74/D

SUBJECT : Barletta spy case.

TO : RC & MG Section, ACC Rome.

copy to : C.L.O., Legal Subcommittee ACC, Rome.

1. Ref 2201/74/D of 11.6.44, although the CLO verbally told the RLO that it was agreed the Barletta case should not after all be tried by AMG Court, no official notification has been received to that effect.

2. Since N°2 District are pressing for trial of the leaders by AMG Court, and have enlisted the support of AAI, may a decision please be given that all the accused be sent to Padula for duration of the war.

3. The objection to trying the leaders by AMG Court, is that even so, the trial might last some 5 or 6 days.

John T. ZELLARS
Col. Inf.

Regional Commissioner

HEADQUARTERS
19 JUL 1944
A. C. C.

Sir,
Incorrect. See file 6 Apr 47
receipt of which was acknowledged
at 7A. Letter for approval attached.

4129/7 7i

(7A)

2137

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

22 June 44

Ref. :- 2201/74/D
Subject:- Barletta Spy Case
To :- Chief Legal Officer

The receipt of your ACC/4129/7/L
dated 18 June enclosing file in this case is
acknowledged.

D.E.S. Cousins
D.E.S. COUSINS, Lt. Col.
R.L.O.
Region II.

FILE
 FROM HEADQUARTERS
 ALLIED OFFICIAL COMMISSION
 Legal Subcommittee
 AND YOU

SECRET

CJH/gaf

(6A)

ACG/112/7/1

19 Jun 44

SUBJECT: Trial of Cases by A.S. Courts in Italian Government Territory.

TO : EU Region 2.

1. Continuing conversation Col. Upjohn - Lt. Col. Cowman yesterday morning I have to state that the Chief Commissioner has reconsidered the Berietta spy case and has taken this opportunity of laying down certain principles applicable to this type of case for the guidance of Regional Commissioners in Italian Government Territory generally.

2. Type of case under discussion. These principles are applicable to cases where circumstances come to light, usually but not invariably, through Allied Security Channels involving a considerable number of defendants who are charged with complicity in some conspiracy to promote a neo-fascist or pro-Nazi cell or some like anti-Allied activity usually accompanied by some actual or attempted spy activity. A further feature of this type case is that the facts are complicated and the preparation and hearing of the case is likely to be prolonged and most of the defendants even if found not guilty will continue to be interned for security reasons.

3. In these cases the Chief Commissioner desires that the number of trials by A.S. Courts should be reduced to a minimum for the reasons (a) That the accused will probably remain in confinement even if found not guilty, which is an unsatisfactory feature, (b) That the number of legal officers who have to be employed for long periods in preparing and trying these cases imposes a very heavy strain on Regions in Italian Government territory who are very understaffed with legal officers.

4. In these cases therefore the Chief Commissioner directs that Regional Commissioners will only recommend cases for trial in A.S. Courts if the following conditions are fulfilled:

(a) A trial will be held if, but only if, it is essential for security purposes and to warn the local populace of the danger of meddling in such matters; e.g. if there has recently been a case of similar type in the locality it may be unnecessary to have another.

(b) Only a few of the ringleaders against whom there appears to be a reasonably strong case can be made will be tried, the remainder being interned (if this is required by the Security agencies) and not tried.

- 2 -

SECRET

(A)

(c) The Security agencies concerned must be prepared to produce all the evidence required to support their case quite strictly in closed court and to permit full examination and cross-examination of their witnesses on all relevant matters in the presence of the accused.

(d) It will be made quite clear at the opening of the Court that the accused will in any event continue to be interned (if such internment is required by the Security agencies concerned).

5. It appears therefore that initially all persons concerned in this type of case should be interned in 371 P.O.C. Camp and brought out for the hearing if it is decided to try them in A.M. Courts.

6. The foregoing has reference only to Allied Military Courts. In no instance will consideration be given to any such case being tried in an Italian court unless and until the security situation would permit it.

7. You will therefore please reconsider the Barletta spy case, (the papers were returned to you yesterday) and reconsider the matter with HQ 2 Dist. in the light of the foregoing principles and make such further recommendations as you may be advised.

G. R. Barker

G. R. BARKER
Colonel
Chief Legal Officer.

Copy to: Hqs. Com. (Your 262/CH/39 of 15 June refms.
Hqs Regions 1, 6, 7 for info.

SECRET

SECRET

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

(5A)

18 June 1944.

REFERENCE : ACC/4129/7/L.
SUBJECT : Barletta Spy Case.
TO : R.L.O. (thru Regional Commissioner), Region 2.

Pursuant to your conference with Colonel UPJOHN today I am returning herewith the file in the above case. Kindly acknowledge receipt.

RICHARD H. WILMER.
Colonel, CAC.,
Deputy Chief Legal Officer.

RRW/wow.

4129/70
HEADQUARTERS
ALLIED COMMISSION COMMISSION
R.C. & M.G. SECTION
APO 394

4A

Ref/264/CA/39

15 June 1944

SUBJECT: Barletta Spy Case.

TO : Admin. Sect. (for Legal Sub-Comm.)

1. Reference letter 2201/74/D of 11 June from Region II addressed to this Hq. copy to you.

2. The "Barletta Spy Case" is one of the cases with which you are dealing - the papers of which were forwarded to you prior to issue of this Hq. letter 283/4/CA of 2 May 44. May this Hq. please be informed of your decision.

Norman E. Fiske

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

JSR/JR

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

1474

6730

REF: 2201/74/D

11 June 1944

SUBJECT : Barletta spy case.

TO : Executive Commissioner, ACC., H.Q., Naples.
Copy to C.L.O., Legal Sub-Commission, ACC., Salerno ✓
(ref ACC/4129/7/L of 28.5.44)

1. In view of the deterrent effect which it is hoped that the result of the Lecce spy case will have produced, and of the length of time required for trial of that case of cases, may the decision that the Barletta spy case be tried by AMG Court now be revised?

2. Since trial of such a case by an Italian Assize Court would monopolize its attention for far longer than three weeks, it is respectfully recommended that all accused in the Barletta spy case should be interned at Padula.

DESC/mk

John T. ZELLARS
Col. Inf.

Regional Commissioner

Return to me here

Hold out for Col
up for

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☒
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(2A)

ACC/4129/7/L

/rlp.
28 May 1944.

SUBJECT : Barletta Spy Case.

TO : Regional Legal Officer (THRU: Regional Commissioner), Region II.

1. Reference your letter 2201/74/D of 21/5/44.
2. The Chief Commissioner has directed that this case shall be tried by an AMC Court.
3. The charges are in course of preparation at this Hq and will be dispatched to you; but on account of acute shortage of personnel they may be somewhat delayed.
4. It is regretted that on account of shortage of personnel it will not be possible for this Hq to provide either a prosecutor or any member of the Court.

GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

4129/7 ✓

318
SECRETHEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

(1A)

21 May 44

Ref. :- 2201/74/D

Subject:- Barletta Spy Case

To :- C.L.O. Legal Subcommittee ACC. - SALERNO -

1. Attached please is file relating to the Barletta Spy case.

2. Application is hereby made for the case to be tried by A.M.G. General Court.

3. The case would be ready for trial 11 days after receipt of the charges from you.

4. Proposals for composition of the Court will be submitted when the approximate date of the trial is known.

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLLRKS	



D.E.S. COUSINS, Lt. Col.
R.L.O.
Region II

2206